

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

CEDARVIEW MART, LLC, Individually
and on Behalf of All Others Similarly Situated

PLAINTIFF

V.

CIVIL ACTION NO. 3:20-cv-107-NBB-RP

STATE AUTO PROPERTY
AND CASUALTY COMPANY

DEFENDANT

ORDER

This cause comes before the court upon the defendant State Auto Property and Casualty Company's Motion to Strike All Non-Mississippi Class Allegations. Upon due consideration of the motion, response, and applicable authority, the court finds that the motion is not well taken and should be denied.

"[C]ourts disfavor motions to strike class allegations because issues related to class allegations are generally more appropriately resolved on a motion for class certification." *Casso's Wellness Store and Gym, LLC v. Spectrum Lab. Products, Inc.*, No. 17-2161, 2018 WL 1377608, at *6 (E.D. La. Mar. 19, 2018) (citing *Lyons v. Coxcom, Inc.*, 718 F. Supp. 2d 1232, 1235-36 (S.D. Cal. 2009)); *see also Delarue v. State Farm Lloyds*, No. 09-237, 2010 WL 11530499, at *3 (E.D. Tex. Mar. 10, 2010) (noting that motions to strike class allegations are disfavored before discovery and are often denied early in the litigation as premature).

Accordingly, this court finds that State Auto's motion to strike should be denied at this early stage of the litigation. The issue is more properly addressed at the class certification stage. The court notes, however, that the initial showing set forth by Cedarview indicates that the laws of Mississippi, Kentucky, Ohio, and Tennessee are in harmony on the issue at the crux of this case – that is, the interpretation of ambiguous property insurance policy language regarding

“actual cash value” and whether labor costs may be withheld as depreciation in the calculation thereof.

Because the court finds State Auto’s Motion to Strike All Non-Mississippi Class Allegations premature, it is hereby **DENIED**.

SO ORDERED AND ADJUDGED this 30th day of March, 2021.

/s/ Neal Biggers

NEAL B. BIGGERS, JR.

UNITED STATES DISTRICT JUDGE